

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETER PALAZZOLO,	:	
	:	
Plaintiff,	:	
	:	18-CV-1097 (VSB)
- against -	:	
	:	<u>OPINION & ORDER</u>
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	
	:	
-----	X	

Appearances:

Brynn Lapszynski
Pond Lehocky Disability
New York, New York
Counsel for Plaintiff

Nathalie Bernadette Martelly
Disability Justice
New York, New York
Counsel for Plaintiff

Leslie A. Ramirez-Fisher
U.S. Attorney's Office, SDNY
New York, New York
Counsel for Defendant

VERNON S. BRODERICK, United States District Judge:

Before me is Magistrate Judge James L. Cott's unobjected to Report and Recommendation, entered on October 16, 2020. (Doc. 27 ("Report" or "R&R".)) On February 7, 2018, Plaintiff filed a complaint for review of a social security disability or supplemental security income decision. (Doc. 1.) On August 27, 2018, Plaintiff moved for judgment on the pleadings. (Doc. 13.) However, on November 30, 2018, the parties filed a proposed stipulation

and order remanding the action to the Commissioner of Social Security for further administrative proceedings. (Doc. 19.) I endorsed the stipulation and order, (Doc. 20), and on December 3, 2018, the Clerk of Court entered judgment remanding the action, (Doc. 21).

On August 7, 2020, Plaintiff filed a motion for attorneys' fees under 42 USC § 406(b). (Doc. 22.) After receiving an extension, Defendant filed a letter response to Plaintiff's motion on September 4, 2020. (*See* Docs. 23, 26.) On October 16, 2020, Judge James L. Cott issued his Report, which recommends that Plaintiff's motion for attorneys' fees be granted. (R&R 1.) Neither party filed objections or sought an extension to file objections.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of being served with a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party submits a timely objection, a district court reviews *de novo* the parts of the report and recommendation to which the party objected. 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When neither party submits an objection to a report and recommendation, or any portion thereof, a district court reviews the report and recommendation, or that portion, for clear error. *See Rodriguez v. Clearbrook Mgmt. Inc.*, No. 22CV04442JLRS LC, 2023 WL 112756, at *1 (S.D.N.Y. Jan. 5, 2023); *Caballero v. Comm'r of Soc. Sec.*, No. 18-CV-7794 (VEC), 2019 WL 2602849, at *1 (S.D.N.Y. June 25, 2019).

Judge Cott notified the parties that "[p]ursuant to 28 U.S.C. § 636(b)(1) and Rules 72(b) of the Federal Rules of Civil Procedure, [they had] fourteen (14) days from service of [his] Report to file written objections." (R&R 9.) Here, neither party objected to the Report or requested additional time to file objections. Accordingly, I have reviewed Judge Cott's thorough

and well-reasoned Report for clear error and, after careful review, found none. Accordingly, I ADOPT the Report.

The Clerk of Court is respectfully directed to enter judgment per the terms stated in the Report and to close the open motion at docket entry 22.

SO ORDERED.

Dated: April 17, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Vernon S. Broderick
United States District Judge